



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,849	08/31/2001	Benoit Laflamme		2171

7590
11/05/2002
John R. Ross, III
Ross Patent Law Office
P.O. Box 2138
Del Mar, CA 92014

EXAMINER

WALLING, MEAGAN S

ART UNIT	PAPER NUMBER
----------	--------------

2863

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,849

Applicant(s)

LAFLAMME, BENOIT

Examiner

Meagan S Walling

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-23 is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-14, 16, 17, 24 and 25 is/are rejected.
- 7) ☒ Claim(s) 7-11 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 6, 12, 14, 16, 17, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kashimoto et al (US 6,137,095).

With respect to claim 1, Kashimoto et al. teaches a cooking appliance comprising a programmable control module (Fig. 4, Ref. 35), a heating device (Fig. 4, Ref. 28), a cooking location (Fig. 4, Ref. 27), and a remote computer (Fig. 14, Ref. 48).

With respect to claim 6, Kashimoto et al. teaches the cooking system of claim 1 wherein the remote computer (Fig. 14, Ref. 48) communicates programming instructions to the control module (Fig. 14, Ref. 35) via a wireless communication link (Fig. 14, Ref. 9), and wherein said remote computer (Fig. 14, Ref. 48) receives data from the control module (Fig. 14, Ref. 35) via a wireless communication link (Fig. 14, Ref. 9).

With respect to claim 12, Kashimoto et al. teaches the cooking system of claim 1 wherein the cooking appliance is a warmer and the cooking location is a warming area (column 5, lines 49-51).

Art Unit: 2863

With respect to claim 14, Kashimoto et al. teaches the cooking system of claim 1 wherein the cooking appliance is an oven (column 6, line 8).

With respect to claim 16, Kashimoto et al. teaches the cooking system of claim 1, wherein the remote computer communicates food temperature verification instructions to the programmable control module via the communication link (column 8, lines 21-35).

With respect to claim 17, Kashimoto et al. teaches the cooking system of claim 1 wherein the remote control computer communicates programming instructions to the programmable control module via the wireless communication link (column 6, lines 34-58).

With respect to claim 24, Kashimoto et al. teaches a programmable control module (column 6, lines 21-25), a heating device controlled by the programming control module (column 6, lines 25-33), a cooking location wherein the heating device is in communication with the cooking location to provide heat to the cooking location (column 6, lines 25-33), and a method that comprises inserting programming instructions into a remote computer (column 14, lines 14-21), transmitting programming instructions from the remote computer to the programmable control module via a wireless communication link (column 14, lines 3-7), and utilizing the programming instructions to heat the cooking location with the heating device (column 14, lines 37-40; column 6, lines 25-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2863

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. in view of Sharma et al. (US 2002/0143551).

With respect to claims 2, 3, and 5, the claimed invention differs from Kashimoto et al. in that it recites the limitation of the remote computer being a PDA, a Palm Pilot, or a laptop computer. Kashimoto teaches all that is claimed in claim 1, but does not teach the use of a PDA (current claim 2), a Palm Pilot (current claim 3), or a laptop computer (current claim 5).

Sharma et al. teaches a computing device that can include a mobile computer such as a PDA or a Palm Pilot or, alternately, a personal computer such as a laptop (paragraph 0021).

It would have been obvious to anyone skilled in the art at the time of the invention to substitute a PDA, a Palm Pilot, or a laptop for a remote computer. They are all mobile devices capable of processing data (Sharm et al., paragraph 0021), so they would each work equally well to communicate information.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. in view of Birkler et al (US 6,466,951).

With respect to claim 4, the claimed invention differs from Kashimoto et al. in that it recites the limitation of the wireless communication link being an infrared link. Kashimoto et al. teaches everything taught in claim 1, but does not teach the infrared link (current claim 4).

Birkler et al. teaches connecting a PDA to a personal computer with a wireless link such as an infrared link (column 3, lines 14-16).

It would have been obvious to anyone skilled in the art at the time of the invention to use an infrared link as a wireless communication link. It is well known in the art, as taught by

Art Unit: 2863

Birkler et al., that an infrared link is an efficient way to transfer data without the use of a wire and so it would be appropriate for the communication link to be an infrared link.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. in view of Sargunam et al. (US 6,362,458).

With respect to claim 13, the claimed invention differs from Kashimoto et al. in that it recites the limitation of the cooking appliance being a grill. Kashimoto et al. teaches everything claimed in claim 1 and the use of an oven, but does not teach the use of a grill (current claim 13).

Sargunam et al. teaches a cooking appliance including an oven cavity that can be used to grill food items (column 1, lines 6-8).

It would have been obvious to anyone skilled in the art at the time of the invention to use a grill as a cooking device. Kashimoto et al. teaches an oven as a cooking appliance (column 6, lines 6-8) and Sargunam teaches an oven that can be used to grill, therefore, a grill could be used as a cooking appliance.

Claim 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Kashimoto et al. in view of Sharma et al. and Birkler et al.

With respect to claim 25, the claimed invention differs from Kashimoto et al. in that it recites the limitation of the wireless communication link being infrared and the remote computer being a PDA. Kashimoto et al. teaches everything claimed in claim 24 except the use of an infrared link and a PDA (current claim 25).

Sharma et al. teaches a computing device that can include a PDA (paragraph 0021).

Art Unit: 2863

Birkler et al. teaches connecting a PDA to a personal computer with a wireless link such as an infrared link (column 3, lines 14-16).

It would have been obvious to anyone skilled in the art at the time of the invention to substitute a PDA for a remote computer. They are both mobile devices capable of processing data (Sharm et al., paragraph 0021), so they would each work equally well to communicate information. It would have been obvious to anyone skilled in the art at the time of the invention to use an infrared link as a wireless communication link. It is well known in the art, as displayed by Birkler et al., that an infrared link is an efficient way to transfer data without the use of a wire and so it would be appropriate for the communication link to be an infrared link.

Allowable Subject Matter

Claims 7-11, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-11 teach the use of a second communication link. No applicable prior art could be found.

Claim 15 teaches the remote computer communicating calibrating instructions to the programmable control module via the wireless communication link. No prior art teaching a remote computer sending calibration instructions to a control module could be found.

Claims 18-23 are allowed.

Claims 18-23 teach a cooking appliance in addition to a method for calibrating or verifying the temperature. Although prior art teaching the cooking appliance was found, no

Art Unit: 2863


applicable prior art teaching the calibration method or the method for verifying temperature could be found.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S Walling whose telephone number is (703) 308-3084. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

msw
October 25, 2002

A handwritten signature in black ink, appearing to read 'Meagan S Walling', with a stylized, elongated 'M' and 'W'.